

UNITED STATES DISTRICT COURT

for the

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

Southern District of Georgia

Savannah Division

DANIEL MERRILL

Case No.

2023 JUL 11 P 3:12

CLERK
CV 423-191
S. DIST. OF GA(to be filled in by the Clerk's Office)
CV 423-191

Plaintiff(s)
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) Yes No

MERRICK B. GARLAND, ATTORNEY GENERAL,
 U.S. DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF PRISONS

Defendant(s)
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|--------------------|
| Name | DANIEL MERRILL |
| Street Address | 104 OXFORD CIRCLE |
| City and County | RINCON, EFFINGHAM |
| State and Zip Code | GA, 31326 |
| Telephone Number | 570-878-8716 |
| E-mail Address | danmerr422@aol.com |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

| | |
|------------------------------------|-----------------------------|
| Name | MERRICK B. GARLAND |
| Job or Title (<i>if known</i>) | ATTORNEY GENERAL |
| Street Address | 950 Pennsylvania Avenue, NW |
| City and County | Washington, DC |
| State and Zip Code | DC 20530-0001 |
| Telephone Number | (202) 353-1555 |
| E-mail Address (<i>if known</i>) | |

Defendant No. 2

| | |
|------------------------------------|--|
| Name | |
| Job or Title (<i>if known</i>) | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

Defendant No. 3

| | |
|------------------------------------|--|
| Name | |
| Job or Title (<i>if known</i>) | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

Defendant No. 4

| | |
|------------------------------------|--|
| Name | |
| Job or Title (<i>if known</i>) | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address (<i>if known</i>) | |

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

| | |
|--------------------|---------------------------|
| Name | FCI ESTILL |
| Street Address | 100 PRISON RD, PO BOX 699 |
| City and County | ESTILL, HAMPTON |
| State and Zip Code | SC, 29918 |
| Telephone Number | (803) 625-4607 |

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (*specify the federal law*):

Retaliation under 5 U.S. Code § 2302 - Prohibited personnel practices

Relevant state law (*specify, if known*):

Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

Failure to hire me.
 Termination of my employment.
 Failure to promote me.
 Failure to accommodate my disability.
 Unequal terms and conditions of my employment.
 Retaliation.
 Other acts (specify): ASSAULT, FALSE IMPRISONMENT, AND KIDNAPPING

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

03/15/21; 04/12/21; 04/19/21; 09/16/21; 09/21/21; 09/22/21; 9/29/21; 10/1/21; 10/4/21; and 10/8/21

C. I believe that defendant(s) (check one):

is/are still committing these acts against me.
 is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

| | | |
|-------------------------------------|---|---|
| <input checked="" type="checkbox"/> | race | <u>WHITE</u> |
| <input type="checkbox"/> | color | _____ |
| <input checked="" type="checkbox"/> | gender/sex | <u>MALE</u> |
| <input type="checkbox"/> | religion | _____ |
| <input type="checkbox"/> | national origin | _____ |
| <input type="checkbox"/> | age (year of birth) | <u>(only when asserting a claim of age discrimination.)</u> |
| <input type="checkbox"/> | disability or perceived disability (specify disability) | _____ |

E. The facts of my case are as follows. Attach additional pages if needed.

1. SEE ATTACHED PAGE 8 FOR FACTS OF MY CASE
2. SEE ATTACHED PAGES 9-11 FOR THE CHARGES FILED AND ACCEPTED BY THE EEOC.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

April 26, 2021, Amended On October 7, 2021, And Amended Again October 25, 2021

B. The Equal Employment Opportunity Commission (check one):

has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on (date) 04/20/2023.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

60 days or more have elapsed.

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. SEE ATTACHED PAGE 15 FOR RELIEF FOR DAMAGES SOUGHT

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/10/2023

Signature of Plaintiff



Printed Name of Plaintiff

DANIEL MERRILL

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

ADDITIONAL DOCUMENTS
DANIEL MERRILL v. MERRICK B. GARLAND, ATTORNEY GENERAL
TABLE OF CONTENTS

| | PAGE(S) |
|--|---------|
| 1. TABLE OF CONTENTS | 7 |
| 2. ADDITIONAL PAGE: SECTION III.E-FACTS OF CASE | 8 |
| 3. ADDITIONAL PAGES: SECTION III.E-COMPLAINT CHARGED WITH EEOC | 9/11 |
| 4. ADDITIONAL PAGES: SECTION III.E-COMPLAINT CHARGED WITH EEOC | 12/14 |
| 5. ADDITIONAL PAGES: SECTION III.E-COMPLAINT CHARGED WITH EEOC | 15 |

ADDITIONAL DOCUMENTS

DANIEL MERRILL v. MERRICK B. GARLAND, ATTORNEY GENERAL
ATTACHMENT I-SECTION III.E STATEMENT OF CLAIM

III. Statement of Claim

E. The facts of my case are as follows:

1. On March 15, 2021, I became aware that I was removed as a Computer Services Alternate and from the server entry authorization list.
2. On April 12, 2021, I was physically assaulted by the Associate Warden.
3. On April 19, 2021, I was issued a Cease-and-Desist Letter.
4. On September 16, 2021, I became aware that I was referred for investigation from reporting the physical assault referenced in #2.
5. On September 21, 2021, I was blocked from leaving the conference room.
6. On September 22, 2021, Management had me involuntarily committed to a mental health facility.
7. On September 29, 2021, my name was removed from attending Self Defense Instructor training.
8. On October 1, 2021, I was placed on a Temporary Job Modification, and Management issued a letter stating that I had to see a psychologist.
9. On October 4, 2021, I was notified that I was placed on the No Shoot List.
10. On October 8, 2021, my request to change sick leave to administrative leave was denied. Further Requests for Administrative leave was also denied.

ADDITIONAL DOCUMENTS

DANIEL MERRILL v. MERRICK B. GARLAND, ATTORNEY GENERAL
ATTACHMENT II-SECTION III.E EEOC ACCEPTED CHARGES

U.S. Department of Justice

Federal Bureau of Prisons

Washington, D.C. 20534

October 22, 2021

Daniel Merrill
 104 Oxford Circle
 Rincon, GA 31326
 dmerrill@bop.gov
 dammerr422@aol.com

Re: Merrill v. United States Department of Justice
 EEO Complaint No. BOP-2021-002597

Dear Daniel Merrill:

This is in reference to the emails received in this office on October 8, 2021, October 13 and 14, 2021 and October 21 and 22, 2021, in which you request to amend the above captioned Complaint of Discrimination (Complaint) against FCI Estill.

After a careful review of your amendment request, we have determined that your amended claim is sufficiently like or related or reasonably expected to rise out of your original Complaint. Therefore, your pending Complaint is amended to include the following claim:

You allege that on March 15, 2021, you became aware that you were removed as a Computer Services Alternate and from the server entry authorization list. (Original Claim)

You allege that on April 12, 2021, you were physically assaulted by the Associate Warden. (Original Claim)

You allege that on April 19, 2021, you were issued a Cease and Desist Letter. (Original Claim)

You allege that on September 16, 2021, you became aware that you were referred for investigation. (Prior Amendment)

You allege that on September 21, 2021, you were blocked from leaving the conference room. (Prior Amendment)

ADDITIONAL DOCUMENTS
DANIEL MERRILL v. MERRICK B. GARLAND, ATTORNEY GENERAL
ATTACHMENT II-SECTION III.E EEOC ACCEPTED CHARGES

You allege that on September 29, 2021, your name was removed from attending Self Defense Instructor Training. (Prior Amendment)

You allege that on October 1, 2021, you were placed on a Temporary Job Modification (TJM), and management issued you a letter stating you had to see a Psychologist. (Prior Amendment)

You allege that on September 22, 2021, management had you involuntarily committed to a mental health facility. (**Amendment**)

You allege that on October 4, 2021, you were notified that you were placed on the No Shoot List. (**Amendment**)

You allege on October 8, 2021, your request to change sick leave to Administrative leave was denied. Further, you state that your Request for Admininistrative leave was also denied. (**Amendment**)

This determination is in accordance with the Equal Employment Opportunity Commission (EEOC) Management Directive for 29 C.F.R. § 1614 (EEO-MD-110), as revised, August 5, 2015, which prohibits fragmentation of Complaints and states, “[w]hen a complainant raises a new incident of alleged discrimination during the processing of an EEO Complaint, it must be determined whether this new incident:

1. Provides additional evidence offered to support the existing claim, but does not raise a new claim in and of itself;
2. Raises a new claim that is like or related to the claim(s) raised in the pending complaint; or
3. Raises a new claim that is not like or related to the claim(s) raised in the pending complaint.”

Because your Complaint has been amended, the amount of time to complete the investigation will be the earlier of 180 days from the date of the last amendment, or 360 days after filing of the original Complaint. However, pursuant to 29 C.F.R. § 1614.106(e)(2) you retain the right to request a hearing from an Administrative Judge, even in the case of an amended Complaint, after 180 days from the date of the first filed Complaint, even if the investigation has not been completed.

After careful review of the record developed to date and the information provided by your current correspondence, this office has determined that the remainder of the claims you present are evidence offered in support of your claim rather than a new claim in and of itself. Accordingly, it will be subsumed, as evidence, into the investigative report prepared on your complaint. If you disagree with our determinations, you have the right to address that before an Equal Employment Opportunity Commission Administrative Judge at the hearing stage of your complaint, should you

ADDITIONAL DOCUMENTS

DANIEL MERRILL v. MERRICK B. GARLAND, ATTORNEY GENERAL
ATTACHMENT II-SECTION III.E EEOC ACCEPTED CHARGES

request a hearing.

You are reminded that during the processing of your Complaint, you have the responsibility of notifying this office of any change of address. Please direct any questions concerning the processing of your Complaint, or matters of mutual concern, to Jearlean Marks, Senior Equal Employment Opportunity Specialist, at BOP-PRD-EEOOffice-S@bop.gov or (202) 514-6165.

Sincerely,

Carolyn Vines Sapla
EEO Officer

cc: Selina Smith, President, Adept Services, Inc., 643 Potomac Place, Smyrna, TN 37167, adeptservices@adeptservicesinc.com (with enclosures)

/JM



Agency Complaint No. BOP-2021-02597
EEOC No. 430-2021-00249X

4Con
150 M Street, N.E.
Room 61612
Washington, DC 20530

April 20, 2023

Daniel Merrill
dmerrill@bop.com
danmerr422@aol.com

Dear Mr. Merrill:

This is in reference to your complaint of discrimination that you filed against the Federal Bureau of Prisons (BOP). Enclosed is the Department of Justice's (Department) Final Order and Memorandum Explaining the Final Order. The Department accepts the Administrative Judge's (AJ) decision that the BOP did not subject you to disparate treatment or a hostile work environment based on your sex or prior EEO activity. If you disagree with the AJ's decision, please follow the instructions below.

Rights of Appeal

You have the right to appeal any part of the AJ's decision to the Equal Employment Opportunity Commission (EEOC). You may do so by filing your appeal with the EEOC's Office of Federal Operations (OFO) within thirty days of the date you receive this decision. If you are represented by an attorney of record, the thirty-day appeal period shall begin to run on the day your attorney receives this decision.

Immediately below are instructions for filing an appeal electronically or by U.S. mail. During the coronavirus health crisis, the OFO strongly encourages complainants to file their appeals online at the EEOC's Public Portal located at publicportal.eeoc.gov/portal.

If filing electronically, go to the EEOC's Public Portal website and click on the "Filing with the EEOC" link. If you do not already have Public Portal credentials, you will be asked to register by entering your contact information and confirming

ADDITIONAL DOCUMENTS

DANIEL MERRILL v. MERRICK B. GARLAND, ATTORNEY GENERAL
ATTACHMENT II-SECTION III.E EEOC ACCEPTED CHARGES

your email address. Once you are registered you can request an appeal, upload relevant documents (e.g., a statement or brief in support of your appeal), and manage your personal and representative information. In completing the appeal form on the Public Portal, when answering the question "which agency is named in your complaint," please make sure that you select the magnifying glass icon next to the answer box. From the drop-down menu that appears listing all DOJ components, you must select the appropriate DOJ component before answering the remaining questions.

The electronic appeal form also requires you to specify the date and method by which you sent a copy of your appeal to the representative for the agency component. Please be aware that the BOP representative for accepting a copy of your appeal is Associate General Counsel Chung-Hi Grace. As with the EEOC, the BOP has asked that, wherever possible, all copies of appeals be sent to BOP electronically. Specifically, the BOP has asked that copies of appeals be sent electronically to Ms. Grace, c/o Ms. Carolyn Vines Sapla, at BOP-PRD-EEOOffice-S@bop.gov.

If you do not have access to a computer for electronic filing, you may file your appeal of the Administrative Judge's decision by mail. Please send the attached EEOC Form 573, Notice of Appeal/Petition, to Director Carlton M. Hadden, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 77960, Washington, DC 20013-8960. A copy of your paper notice of appeal must be mailed to Chung-Hi Grace, Associate General Counsel, Federal Bureau of Prisons, Employment Law and Ethics Branch, Room 818, 320 First Street, N.W., Washington, DC 20534. Any paper notice of appeal that you file with the EEOC must contain, or must have attached to it, the date and method by which you sent a copy of your notice of appeal to Ms. Grace.

You have the right to file a civil action in the appropriate United States District Court within 90 days of the date you receive this decision. In filing your federal complaint, you should name Attorney General Merrick B. Garland as the defendant. Even if you appeal this decision to the EEOC, you still have the right to go to federal court. You may file a civil action in the United States District Court within 90 days of the day you receive the Commission's final decision on your appeal, or after 180 days from the date you filed your appeal with the Commission, if the Commission has not made a final decision by that time. Please note that if you file a civil

ADDITIONAL DOCUMENTS

DANIEL MERRILL v. MERRICK B. GARLAND, ATTORNEY GENERAL

ATTACHMENT II-SECTION III.E EEOC ACCEPTED CHARGES

action in United States District Court, the EEOC will terminate your EEOC appeal proceedings.

If you cannot afford to file a civil action, you may ask the court to allow you to file the action at no cost to you. The court may also provide you with an attorney if you cannot afford to hire one to represent you in your civil action. Questions concerning when and how to file a waiver of costs should be directed to your attorney or the District Court clerk.

Sincerely,



C. Douglas Kern
Complaint Adjudication Officer

cc: Mr. John-Ed Bishop
jbishop@whitehead-law.com

James Sellars
jsellars@bop.gov

Chung-Hi Grace
Carolyn Vines Sapla
Richard Toscano

Kevin McEvoy
kevin.mcevoy@eeoc.gov

ADDITIONAL DOCUMENTS

DANIEL MERRILL v. MERRICK B. GARLAND, ATTORNEY GENERAL
ATTACHMENT II-SECTION III.E EEOC ACCEPTED CHARGES



U.S. District Court

Georgia Southern - Savannah, 8 Southern Oaks Ct., Savannah, GA 31405 - PH: 912-650-4020

Receipt Date: Jul 11, 2023 3:13PM

Daniel Merrill
104 Oxford Circle
Rincon, GA 31326

Rcpt. No: 400000836

Trans. Date: Jul 11, 2023 3:13PM

Cashier ID: #WP

| CD | Purpose | Case/Party/Defendant | Qty | Price | Amt |
|-----|--------------------------------|----------------------|-----|--------|--------|
| 200 | Civil Filing Fee- Non-Prisoner | | 1 | 402.00 | 402.00 |

| CD | Tender | Amt |
|-----------------------------|-------------|----------|
| CC | Credit Card | \$402.00 |
| Total Due Prior to Payment: | | \$402.00 |
| Total Tendered: | | \$402.00 |
| Total Cash Received: | | \$0.00 |
| Cash Change Amount: | | \$0.00 |

Comments: CV423-191

Thank you for your payment. Only when the check or money order clears the bank or the credit of funds are verified by the bank, will the fee or debt be officially paid or discharged. A \$53 fee will be charged for a returned payment. Should you wish to pay on-line, by Credit Card or ACH, please visit our website at <https://www.gasd.uscourts.gov/> and click on the Pay.gov tab.